
Introduced by Senator AshburnFebruary 20, 2003

An act to amend Sections 4019 and 4024.2 of the Penal Code, relating to work release programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 587, as introduced, Ashburn. Work release programs.

Existing law requires that for prisoners confined to jail or similar local facilities, for each 6 days of confinement, one day shall be deducted from the period of confinement for each day the prisoner complies with the rules, and one day shall be deducted from the period of confinement for each day the prisoner satisfactorily performs labor.

Under existing law, the board of supervisors of a county may authorize the sheriff to offer a voluntary program under which a person committed to a county correctional facility may participate in a work release program in which one day of participation is considered to be in lieu of one day of confinement.

This bill would apply these deductions to prisoners participating in work-release programs.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4019 of the Penal Code is amended to
2 read:
3 4019. (a) The provisions of this section shall apply in all of
4 the following cases:



1 (1) When a prisoner is confined in or committed to a county
2 jail, industrial farm, or road camp, or any city jail, industrial farm,
3 or road camp, including all days of custody from the date of arrest
4 to the date on which the serving of the sentence commences, under
5 a judgment of imprisonment, or a fine and imprisonment until the
6 fine is paid in a criminal action or proceeding.

7 (2) When a prisoner is confined in or committed to the county
8 jail, industrial farm, or road camp or any city jail, industrial farm,
9 or road camp as a condition of probation after suspension of
10 imposition of a sentence or suspension of execution of sentence,
11 in a criminal action or proceeding.

12 (3) When a prisoner is confined in or committed to the county
13 jail, industrial farm, or road camp or any city jail, industrial farm,
14 or road camp for a definite period of time for contempt pursuant
15 to a proceeding, other than a criminal action or proceeding.

16 (4) When a prisoner is confined in a county jail, industrial farm,
17 or road camp, or a city jail, industrial farm, or road camp following
18 arrest and prior to the imposition of sentence for a felony
19 conviction.

20 (5) *When a prisoner participates in a work release program*
21 *under Section 4024.2.*

22 (b) Subject to the provisions of subdivision (d), for each
23 six-day period in which a prisoner is confined in or committed to
24 a facility as specified in this section, *or participating in a work*
25 *release program pursuant to Section 4024.2*, one day shall be
26 deducted from his or her period of confinement unless it appears
27 by the record that the prisoner has refused to satisfactorily perform
28 labor as assigned by the sheriff, chief of police, or superintendent
29 of an industrial farm or road camp.

30 (c) For each six-day period in which a prisoner is confined in
31 or committed to a facility as specified in this section, *or*
32 *participating in a work release program pursuant to Section*
33 *4024.2*, one day shall be deducted from his or her period of
34 confinement unless it appears by the record that the prisoner has
35 not satisfactorily complied with the reasonable rules and
36 regulations established by the sheriff, chief of police, or
37 superintendent of an industrial farm or road camp.

38 (d) Nothing in this section shall be construed to require the
39 sheriff, chief of police, or superintendent of an industrial farm or
40 road camp to assign labor to a prisoner if it appears from the record

1 that the prisoner has refused to satisfactorily perform labor as
2 assigned or that the prisoner has not satisfactorily complied with
3 the reasonable rules and regulations of the sheriff, chief of police,
4 or superintendent of any industrial farm or road camp.

5 (e) No deduction may be made under this section unless the
6 person is committed for a period of six days or longer.

7 (f) It is the intent of the Legislature that if all days are earned
8 under this section, a term of six days will be deemed to have been
9 served for every four days spent in actual custody *or in a work*
10 *release program*.

11 SEC. 2. Section 4024.2 of the Penal Code is amended to read:

12 4024.2. (a) Notwithstanding any other law, the board of
13 supervisors of any county may authorize the sheriff or other
14 official in charge of county correctional facilities to offer a
15 voluntary program under which any person committed to the
16 facility may participate in a work release program pursuant to
17 criteria described in subdivision (b), in which one day of
18 participation will be in lieu of one day of confinement, *counting*
19 *credits calculated under Section 4019*.

20 (b) The criteria for a work release program are the following:

21 (1) The work release program shall consist of any of the
22 following:

23 (A) Manual labor to improve or maintain levees or public
24 facilities, including, but not limited to, streets, parks, and schools.

25 (B) Manual labor in support of nonprofit organizations, as
26 approved by the sheriff or other official in charge of the
27 correctional facilities. As a condition of assigning participants of
28 a work release program to perform manual labor in support of
29 nonprofit organizations pursuant to this section, the board of
30 supervisors shall obtain workers' compensation insurance which
31 shall be adequate to cover work-related injuries incurred by those
32 participants, in accordance with Section 3363.5 of the Labor Code.

33 (C) Performance of graffiti cleanup for local governmental
34 entities, including participation in a graffiti abatement program as
35 defined in subdivision (f) of Section 594, as approved by the
36 sheriff or other official in charge of the correctional facilities.

37 (D) Performance of weed and rubbish abatement on public and
38 private property pursuant to Chapter 13 (commencing with
39 Section 39501) of Division 3 of Title 4 of the Government Code,
40 or Part 5 (commencing with Section 14875) or Part 6

(commencing with Section 14930) of Division 12 of the Health and Safety Code, as approved by the sheriff or other official in charge of the correctional facilities.

(E) Performance of house repairs or yard services for senior citizens and the performance of repairs to senior centers through contact with local senior service organizations, as approved by the sheriff or other official in charge of the correctional facilities.

Where a work release participant has been assigned to this task, the sheriff or other official shall agree upon in advance with the senior service organization about the type of services to be rendered by the participant and the extent of contact permitted between the recipients of these services and the participant.

(F) Any person who is not able to perform manual labor as specified in this paragraph because of a medical condition, physical disability, or age, may participate in a work release program involving any other type of public sector work that is designated and approved by the sheriff or other official in charge of county correctional facilities.

(2) The sheriff or other official may permit a prisoner participating in a work release program to receive work release credit for participation in education, vocational training, or substance abuse programs in lieu of performing labor in a work release program on an hour-for-hour basis. However, credit for that participation may not exceed one-half of the hours established for the work release program, and the remaining hours shall consist of manual labor described in paragraph (1).

(3) The work release program shall be under the direction of a responsible person appointed by the sheriff or other official in charge.

(4) The hours of labor to be performed pursuant to this section shall be uniform for all persons committed to a facility in a county and may be determined by the sheriff or other official in charge of county correctional facilities, and each day shall be a minimum of 8 and a maximum of 10 hours, in accordance with the normal working hours of county employees assigned to supervise the programs. However, reasonable accommodation may be made for participation in a program under paragraph (2).

As used in this section, “nonprofit organizations” means organizations established or operated for the benefit of the public or in support of a significant public interest, as set forth in Section

1 501(c)(3) of the Internal Revenue Code. Organizations established
2 or operated for the primary purpose of benefiting their own
3 memberships are specifically excluded.

4 (c) The board of supervisors may prescribe reasonable rules
5 and regulations under which a work release program is operated
6 and may provide that participants wear clothing of a distinctive
7 character while performing the work. As a condition of
8 participating in a work release program, a person shall give his or
9 her promise to appear for work or assigned activity by signing a
10 notice to appear before the sheriff or at the education, vocational,
11 or substance abuse program at a time and place specified in the
12 notice and shall sign an agreement that the sheriff may
13 immediately retake the person into custody to serve the balance of
14 his or her sentence if the person fails to appear for the program at
15 the time and place agreed to, does not perform the work or activity
16 assigned, or for any other reason is no longer a fit subject for
17 release under this section. A copy of the notice shall be delivered
18 to the person and a copy shall be retained by the sheriff. Any person
19 who willfully violates his or her written promise to appear at the
20 time and place specified in the notice is guilty of a misdemeanor.

21 Whenever a peace officer has reasonable cause to believe the
22 person has failed to appear at the time and place specified in the
23 notice or fails to appear or work at the time and place agreed to or
24 has failed to perform the work assigned, the peace officer may,
25 without a warrant, retake the person into custody, or the court may
26 issue an arrest warrant for the retaking of the person into custody,
27 to complete the remainder of the original sentence. A peace officer
28 may not retake a person into custody under this subdivision,
29 without a warrant for arrest, unless the officer has a written order
30 to do so, signed by the sheriff or other person in charge of the
31 program, that describes with particularity the person to be retaken.

32 (d) Nothing in this section shall be construed to require the
33 sheriff or other official in charge to assign a person to a program
34 pursuant to this section if it appears from the record that the person
35 has refused to satisfactorily perform as assigned or has not
36 satisfactorily complied with the reasonable rules and regulations
37 governing the assignment or any other order of the court.

38 A person shall be eligible for work release under this section
39 only if the sheriff or other official in charge concludes that the
40 person is a fit subject therefor.

1 (e) The board of supervisors may prescribe a program
2 administrative fee, not to exceed the pro rata cost of
3 administration, to be paid by each person according to his or her
4 ability to pay.

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